

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL THOMAS DAVITT,)
)
 Plaintiff,)
 vs.)
)
 DR. ZISNER,)
)
 Defendant.)

Case No. 2:14-cv-01504-GMN-CWH

REPORT AND RECOMMENDATION

On August 20, 2015, the court entered an order (ECF No. 22) granting Plaintiff Michael Thomas Davitt's Motion for Extension of Time to Effectuate Service on Defendant Dr. Zisner (ECF No. 21). The court ordered Plaintiff to file proof of service as to Defendant Dr. Zisner on or before December 18, 2015, and it stated that if Plaintiff fails to do so, it will result in a recommendation that this case be dismissed, without prejudice. (Order (ECF No. 22).) The court's order was served by U.S. Mail on Defendant Davitt on the same date. (*Id.*)

On August 26, 2015, the letter containing the court's order was returned to the court as undeliverable. (ECF No. 23.) On September 1, 2015, the court ordered Plaintiff to file written notification of his change of address on or before October 1, 2015. (Order (ECF No. 24).) The court's order advised Plaintiff that under Local Special Rule 2-2, a "plaintiff shall immediately file with Court written notification of any change of address. The notification must include proof of service upon each opposing party or the party's attorney. Failure to comply with this Rule may result in dismissal of the action with prejudice." (*Id.*) Additionally, the court's order advised Plaintiff that "failure to file written notification of his change of address on or before October 1, 2015, will result in a recommendation that this case be dismissed, with prejudice." (*Id.*) The court's order dated September 1, 2015 also was returned as undeliverable. (ECF No. 25.) To date, Plaintiff has not filed a notification of change of address or taken any other action in this case.

RECOMMENDATION

IT IS THEREFORE RECOMMENDED that Plaintiff Michael Thomas Davitt's case be dismissed, with prejudice.

NOTICE

This Report and Recommendation is submitted to the United States District Judge assigned to this case under 28 U.S.C. § 636(b)(1). A party who objects to this Report and Recommendation may file a written objection supported by points and authorities within fourteen days of being served with this Report and Recommendation. Local Rule IB 3-2(a). Failure to file a timely objection may waive the right to appeal the District Court's Order. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991).

DATED: November 16, 2015



C.W.Hoffman, Jr.
United States Magistrate Judge